

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-7 are currently pending in the application. Claims 1-6 are amended; and Claim 7 is added by the present amendment. No new matter is presented.¹

In the Office Action, Claims 2-4 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite; and Claims 1 and 5-6 were rejected under 35 U.S.C. §103(a) as unpatentable over Howells et al. (U.S. Patent No. 4,893,197, herein "Howells") in view of Chen (U.S. Patent Application Publication No. 2004/0146165 A1).

Applicants have deleted the Abstract, and submit herewith a new Abstract.

In response to the rejections under 35 U.S.C. §112, second paragraph, Applicants have amended Claims 2-4 for clarity. In a non-limiting example, the claimed apparatus may detect silent spaces between songs digitally copied from an analog source, such as a record or a cassette tape, and may distinguish between silent portions *within* a song and silent portions *between* songs on an album. That is, the claimed apparatus may check whether a digital copy properly corresponds to a specific song that may include a silent portion, or check whether the digital copy inappropriately corresponds to two consecutive songs on an album and a silent portion therebetween. The claimed apparatus may regard a silent portion as a presumed inter-track boundary until it is determined whether the silent portion divides two songs or whether the silent portion is contained within a single song.

In a non-limiting example of the apparatus recited in Claim 2, the apparatus may check playing times of each portion of a digital copy that surrounds a silent portion. The

¹ The amendment to Claims 1 and 5-6 finds support at least in Claims 2, 3, and 4.

claimed apparatus may determine that the silent portion occurs between two songs, if each of these playing times falls between a shortest playing time of a track on an album and the longest playing time of a track on the album.

In a non-limiting example of the apparatus recited in Claim 3, the apparatus may determine an error between a playing time of a digital copy and a playing time of a song from the analog source. The claimed apparatus may determine that the digital copy appropriately corresponds to the song from the analog source, if the error is within an error threshold.

In a non-limiting example of the apparatus recited in Claim 4, the apparatus may compare a number of digital copies corresponding to an album with a number of songs on an analog source of the album. The claimed apparatus may recheck the digital copies for silent portions, if there are fewer digital copies than there are songs on the album.

Applicants respectfully request that the rejection of Claims 2-4 under 35 U.S.C. §112, second paragraph, be withdrawn.

Claim 1 was rejected under 35 U.S.C. §103(a) as unpatentable over Howells in view of Chen. In response to this rejection, Applicants submit that amended Claim 1 recites novel features not taught or rendered obvious by the applied references.

Independent Claim 1 recites, in part, an information processing apparatus for detecting inter-track boundaries, including

means for specifying said inter-track boundaries from the detected presumed inter-track boundaries, based on inter-track boundaries specifying information including at least one of a number of tracks of said plurality of tracks and playing times of the tracks.

Applicants have amended Claim 1 to clarify that the inter-track boundaries specifying information includes at least one of a number of tracks of a plurality of tracks and playing times of the tracks.

Turning to the applied references, Howells is directed to an audio recording/reproducing apparatus that removes pauses included in audio signals, thereby eliminating a need to record non-informational signals. The Howells apparatus includes a microprocessor that generates, monitors, and displays data concerning a length of each dictated message.² Howells states that the generation and use of such information plays no part of the Howells invention.³

Furthermore, the Howells apparatus includes a pause encodes that, in turn, includes a start/stop detector and a pause duration timer.⁴ The Howells pause duration timer measures a time duration between each beginning and end portion of a pause detected by the start/stop detector.⁵

Applicants submit that Howells is silent regarding specification of a pause based on a time duration of a dictated message. Thus, Applicants respectfully submit that Howells does not teach or suggest means for specifying inter-track boundaries, based on inter-track boundaries specifying information including playing times of a plurality of tracks, as recited in amended Claim 1.

Furthermore, Applicants further submit that Howells does not teach or suggest means for specifying inter-track boundaries, based on inter-track boundaries specifying information including a number of tracks of a plurality of tracks, as recited in amended Claim 1. Thus,

² Col. 4, l. 64 - Col. 5, l. 2.

³ Col. 5, l. 6-10.

⁴ Col. 9, l. 55-56; col. 10, l. 16-19.

⁵ Col. 10, l. 27-29.

Applicants further submit that Howells does not teach or suggest means for specifying inter-track boundaries, based on inter-track boundaries specifying information including at least one of a number of tracks of a plurality of tracks and playing times of the tracks, as recited in amended Claim 1.

Turning to Chen, that reference is directed to a music broadcasting audio system that allows users to retrieve digital music information from different storage devices. Applicants submit that Chen does not teach or suggest means for specifying inter-track boundaries, based on inter-track boundaries specifying information including at least one of a number of tracks of a plurality of tracks and playing times of the tracks, as recited in amended Claim 1.

Thus, Applicants respectfully submit that Howells and Chen, taken alone or in proper combination, fail to teach or suggest the means for specifying recited in amended Claim 1. Thus, Applicants further submit that independent Claim 1 (and all associated dependent claims) patentably distinguishes over the applied references.

As discussed above, Applicants submit that Howells is silent regarding specifying a pause, based on a time duration of a dictated message or on a number of dictated messages. Furthermore, as also discussed above, Chen is silent regarding specifying an inter-track boundary. Applicants respectfully submit that no proper combination of Howells and Chen teaches or suggests specifying inter-track boundaries from detected presumed inter-track boundaries, based on inter-track boundaries specifying information including at least one of a number of tracks of a plurality of tracks and playing times of the tracks, as recited in amended Claim 5. Therefore, Applicants further submit that independent Claim 5 patentably distinguishes over the applied references.

Further to the above discussion, Applicants submit that Howells is devoid of a reference to a specification of a pause, based on a time duration of a dictated message or on a number of dictated messages. Furthermore, as also discussed above, Chen is devoid of a reference to specifying an inter-track boundary. Thus, Applicants respectfully submit that no proper combination of Howells and Chen teaches or suggests specifying inter-track boundaries from detected presumed inter-track boundaries, based on inter-track boundaries specifying information including at least one of a number of tracks of a plurality of tracks and playing times of the tracks, as recited in amended Claim 6. Therefore, Applicants further submit that independent Claim 6 patentably distinguishes over the applied references.

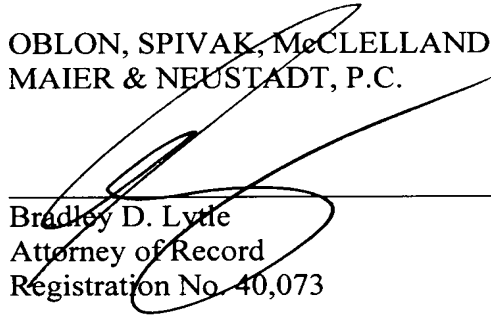
New Claim 7 is added to set forth the claimed invention in a varying scope. Applicants respectfully submit that new Claim 7 is supported at least by Claim 1. No new matter is added.

As previously set forth, Applicants submit that Howells is silent with regard to specifying a pause, based on a duration of a dictated message or on a number of dictated messages. Furthermore, as previously stated, Chen is silent with regard to specifying of an inter-track boundary. Thus, Applicants respectfully submit that no proper combination of Howells and Chen teaches or suggests a specifying unit configured to specify inter-track boundaries, based on inter-track boundaries specifying information including at least one of a number of tracks of a plurality of tracks and playing times of the tracks, as recited in new Claim 7. Therefore, Applicants further submit that independent Claim 7 patentably distinguishes over the applied references.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-7 is definite and patentably distinguishing over the applied references. The present application is believed to be in condition for formal allowance. An early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)

Andrew T. Harry
Registration No. 56,959